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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in critical areas of concern and further actions and initiatives

Statement submitted by Amnesty International, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement*

Women's right to choose their dress, free of coercion

1. Amnesty International believes that the fifty-fifth session of the Commission on the Status of Women provides a critical opportunity to give urgent consideration to the human rights implications of dress code requirements enforced or supported by Governments. In this statement, the organization highlights the examples of Indonesia, Iran (Islamic Republic of), Saudi Arabia, the Sudan and Chechnya, Russian Federation. Amnesty International has also raised concerns about measures by Governments in some European countries prohibiting specific forms of dress and about dress codes enforced by armed groups, informal "religious police" and other non-State actors.

Compulsory dress rules interfere with individuals' human rights

2. Under international human rights law, everyone has the rights to freedom of expression and freedom to manifest their religion or beliefs. The way people dress can be an important expression of their religious, cultural or personal identity or beliefs. As a general rule, the rights to freedom of religion or belief and freedom of expression entail that all people should be free to choose what and what not to wear.

3. Governments have an obligation to respect, protect and ensure every individual's right to express their beliefs or personal convictions or identity. They must create an environment in which every person can make that choice free of coercion.

4. Interpretations of religion, culture or tradition cannot justify imposing rules about dress on those who choose to dress differently. States should take measures to protect individuals from being coerced to dress in specific ways by family members, community or religious groups or leaders.

5. Under international human rights law, the exercise of the right to freedom of expression and to manifest one's religion or belief may only be subject to restrictions that meet a stringent three-part test: they must be prescribed by law; address a specific legitimate purpose permitted by international law; and be demonstrably necessary and proportionate for that purpose. The permissible legitimate purposes — ensuring respect for the rights of others or protecting certain public interests (national security or public safety, or public order, health or morals) — must be narrowly interpreted and must not be used to impose restrictions on dress that some — even a majority — find objectionable or offensive. Moreover, any restrictions must not be discriminatory or put in jeopardy the right itself or undermine other human rights.

Dress codes reflect and exacerbate discrimination

6. Norms associated with dress codes are often one way in which ideas and stereotypes about gender identity and roles are conveyed in law, policy and practice. They often impact much more heavily on women because States and other actors believe they are entitled to regulate women's dress as the symbolic embodiment of a

* Issued without formal editing.

community's values, whether or not these values are shared by the individuals on whom they are enforced.

7. Dress codes can be a manifestation of underlying discriminatory attitudes and reflect a desire to control women's sexuality, objectifying women and denying their personal autonomy.

8. Where women are subjected to violence or are stigmatized for not conforming to dress codes, they may be told that the blame lies with them. Blaming victims in this way is used as a pretext to reinforce the purported legitimacy of restrictions on dress.

9. States must not rely on stereotypes about religions, traditions or culture to restrict individuals' human rights. For instance, women from specific ethnic, religious or cultural backgrounds should not be assumed to be committed to beliefs or rules that may be commonly associated with that background. Moreover, women who choose to identify in particular ways religiously or culturally should be able to make their own choices about what norms they follow rather than being forced to comply with rules that others impose on them.

Area and country examples

10. In Chechnya, Russian Federation, in November 2007, President Ramzan Kadyrov called for women to dress modestly, in line with tradition, and to wear a headscarf. Schoolgirls over the age of 10 and female students at higher educational establishments have been obliged to wear headscarves or face expulsion. Signs outside official buildings in Grozny state that only women wearing a headscarf may enter, and security guards reportedly enforce this.

11. Russian human rights defenders stated in September 2010 that they had seen groups of young men in uniforms or black clothes stop women whose dress was deemed not in line with Chechen tradition and lecture them on traditional Chechen values.

12. In Indonesia, the national commission on violence against women identified 21 regional regulations on dress codes that "directly discriminate against women" in intent or impact. Since 2010, a bylaw restricts dress for Muslim women in West Aceh district.

13. The Commission found that supposed dress codes infractions are wrongly cited to excuse crime, perpetuating "the impunity of the criminals because women victims are considered the most responsible party". Dress codes also discriminate against religious and ethnic minorities.

14. Punishments for infractions range from disciplinary sanctions for civil servants to social sanctions, including public shaming. Government officials may refuse to provide services to those considered not to conform. In Aceh, the Sharia police, and in some cases members of the public, conduct raids to ensure women comply; non-compliance is punishable by three months' imprisonment or a fine of two million rupiah ($220).

15. In the Islamic Republic of Iran, women and men appearing in public must adhere to a mandatory dress code that is enforced in law.

16. Women's dress must be loose fitting and cover their heads, necks, arms and legs all year round. While many women wear traditional forms of dress, others have also chosen to interpret this code in other ways, which has left them at risk of harassment from police or other security forces including the volunteer basij militia, particularly during summer crackdowns, which have increased since the election of President Ahmadinejad in 2005.

17. Violations of the dress code are criminalized under Article 638 of the Islamic Penal Code, which states that anyone who offends public decency will be sentenced to imprisonment from 10 days to two months, or to up to 74 lashes. A note to the article says that women who appear in public without Islamic covering will be sentenced to imprisonment from 10 days to two months or to a cash fine.

18. The dress code in Saudi Arabia applies to everyone, but is particularly restrictive on women, who are expected to dress in a way that covers their bodies with clothes that are not see-through or tight-fitting, as it is considered that showing parts of their body is a factor which can lead to adultery. There is no written dress code set out in law because Saudi Arabia does not have a criminal code; it is based on references to modesty in the Qur'an and the Sunnah (practices of the Prophet Mohammed).

19. A woman's guardian is expected to ensure that she follows the dress code. The religious police — the Committee for the Propagation of Virtue and the Prevention of Vice — ensure compliance with strict codes of Islamic conduct, including dress codes. They do this by verbally reprimanding women or their guardians, sometimes whipping them on the spot or arresting and detaining them, for perceived infractions such as not covering their faces or showing legs, arms, ankles and hair

20. In the Sudan the flogging of women for "indecent or immoral dress" under Article 152 of the 1991 Criminal Act came into the spotlight in 2009 through the case of journalist Lubna Hussein. More than a year afterwards, her appeal against the constitutionality of the law is pending before the Constitutional Court.

21. The public order regime, which applies to men and women, includes a public order police and public order courts that impose cruel, inhuman and degrading punishments for crimes of "indecent or immoral" dress or behaviour. The public order laws do not specify what is immoral or indecent dress, so the public order police have broad discretion to judge whether a person has acted in "an indecent manner, or a manner contrary to public morality" or "wears an indecent, or immoral dress, which causes annoyance to public feelings". The public order courts can impose corporal punishment of up to 40 lashes.

22. The public order regime has largely affected women, regardless of their religious beliefs or traditions as the public order police widely targets non-Muslim southerners in Khartoum, women from the Eritrean and Ethiopian diasporas and women from poor backgrounds, such as tea sellers and street vendors.

Recommendations

23. Amnesty International urges every State Member of the United Nations, in particular all members of the Commission on the Status of Women, to ensure that the following actions are taken:

(a) Repeal laws imposing requirements that individuals dress or do not dress in a certain way (unless the restrictions imposed are only such as are demonstrably necessary and proportionate for a legitimate purpose, as stipulated under international human rights law, and are not discriminatory);

(b) Take effective measures to protect women from violence, threats, or coercion by family members, community or religious groups or leaders in order to compel them to wear particular forms of dress;

(c) Actively promote women's equality and, in accordance with Article 5a of the Convention on the Elimination of All Forms of Discrimination against Women, take measures to modify social and cultural patterns of conduct of men and women, with a view to eliminating prejudices and practices based on the idea of the inferiority or the superiority of either sex or on stereotyped gender roles;

(d) Develop and implement strategies, policies and programmes aimed at the elimination of all forms of discrimination against women.